

California Environmental Protection Agency

Advisory Committee on Environmental Justice

(An Advisory Committee to the California Environmental Protection Agency)

BY LAWS

(changes as proposed by Joe Lyou with minor edits from Cal/EPA to maintain overall format consistency)

I. NAME

The name of the organization is the California Environmental Protection Agency Advisory Committee on Environmental Justice (hereinafter CEJAC or Committee).

II. AUTHORITY

The California Environmental Protection Agency Advisory Committee on Environmental Justice is used to refer to the collective of the Committee and any Subcommittees. The CEJAC is established within the California Environmental Protection Agency (Cal/EPA) pursuant to Public Resources Code Section 71114.

The CEJAC provides information, recommendations, and advice to the Agency Secretary and the Interagency Working Group on Environmental Justice consistent with the requirements of Public Resources Code Section 71114.

The Secretary of the California Environmental Protection Agency or his/her designee shall be the Designated State Officer (DSO) of the CEJAC.

III. MISSION AND SCOPE

Established in December 2001, the CEJAC is a Cal/EPA advisory committee that provides information, formulates recommendations and provides advice on environmental justice policy and direction. The CEJAC provides a forum for public discussion and development of independent advice and consultation to the Secretary of Cal/EPA and the Interagency Working Group on Environmental Justice¹ utilizing the respective strengths and responsibilities of business and industry, local government, environmental advocacy organizations, community groups, Native American tribes, air districts, certified unified program agencies, involved in environmental justice issues. The Committee will consider environmental justice issues relating to Cal/EPA programs.

¹ Pursuant to the Public Resources Code Section 71113, the Interagency Working Group will assist the California Environmental Protection Agency in developing an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice. The working group is composed of the Secretary for Environmental Protection, the Chairs of the State Air Resources Board, the California Integrated Waste Management Board, and the State Water Resources Control Board, the Director of Toxic Substances Control, the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Office of Planning and Research.

The CEJAC's mission is to provide information, advice and recommendations to the Secretary of Cal/EPA and the Interagency Working Group on Environmental Justice that will help to improve the direction and implementation of environmental justice programs and initiatives at Cal/EPA.

CEJAC will serve as a forum to gather public input and enhance public participation in Cal/EPA's Environmental Justice Program, in particular, with stakeholders not historically represented. The CEJAC will not serve as an appellate body of Cal/EPA. The CEJAC will provide independent review, comments, and recommendations to the Cal/EPA Secretary and the IWG regarding the following key activities, but not limited to:

- Implementation and evaluation of Cal/EPA's EJ Strategy and Action Plan in consideration of CEJAC's 2003 Recommendations Report;
- Incorporation of risk reduction, pollution reduction and prevention, and precautionary approach concepts into the existing scientific and regulatory paradigm within Cal/EPA;
- Identification of obstacles in implementing CEJAC recommendations and policy options to remove those obstacles administratively and/or legislatively;
- Assistance in enhancing participation of all races, cultures, and income levels including minority populations and low-income communities in Cal/EPA's decision making process;
- Development of assessment tools and strategies to reduce cumulative exposures and impacts; and
- Identification of financial and technical resources to assist EJ efforts consistent with state law.

IV. MEMBERSHIP

Section 1: Representation of Sector

The CEJAC shall be comprised the representatives set forth in Public Resources Code Section 71114 including:

- Two representatives of local or regional land use planning agencies;
- Two representatives from air districts;
- Two representatives from certified unified program agencies (CUPAs);
- Two representatives from environmental organizations;
- Four representatives from the business community, two from a small business and two from a large business, except that two of the representatives of the business community may be from an association that represents small or large businesses;
- Two representatives from community organizations;
- One representative from a federally recognized Indian tribe; and
- Two representatives from environmental justice organizations

The CEJAC may form subcommittees, working groups, focus groups, or other groups to address specific types of environmental program areas.

Section 2: Appointment Process and Terms

a. *CEJAC Members*

Committee members shall be volunteer representatives who have full voting rights in all Committee actions.

- 1) Committee members are appointed by the Secretary of Cal/EPA, in consultation with the Interagency Working on Environmental Justice and the DSO, for a term of two to three years. A Committee Member may be re-appointed by the Secretary of Cal/EPA.
- 2) A Committee member may serve as a member of any CEJAC Subcommittee, and may also serve as a full voting member of any CEJAC Working Group, Focus Group, or other group (hereinafter, Group) formed under CEJAC auspices. A member of the CEJAC may only chair one Subcommittee or group at any one time.
- 3) A Committee member may designate one individual, other than a current CEJAC member, as a proxy to have full Committee member rights when serving as an alternate for the appointed Committee member. The proxy shall represent the same constituency category or the same organization as the Committee member and have full Committee voting status and privileges consistent with the CEJAC By-Laws. Individuals nominated to serve as a proxy must be approved by the committee's Designated State Officer (DSO)

b. *Subcommittee Members*

Subcommittee members shall be volunteer representatives who serve on a specific Subcommittee or other Group formed under CEJAC auspices. Subcommittee members shall be full participants in the Subcommittee's deliberations and have voting rights at the subcommittee level.

- 1) Subcommittee members are selected by the CEJAC, in consultation with the DSO. The term of a subcommittee member shall be set in accordance with the needs of the CEJAC or Cal/EPA, and conveyed to the Subcommittee member at the time of selection.
- 2) Each subcommittee member shall be selected on the basis of his or her expertise in the relevant subject matter and in a manner that provides for fair and balanced representation. Proxies will be allowed to participate in Subcommittee activities and allowed to vote in Subcommittee matters.

c. *Working Group, Focus Group, and Other Group Members*

Group members shall be volunteer representatives who serve on a specific Group formed under CEJAC auspices. Group members shall be full participants in the Group's deliberations and have voting rights at the Group level.

- 1) Group members are selected by the CEJAC, in consultation with the DSO. The term of a Group member shall be set in accordance with the needs of the CEJAC or Cal/EPA, and conveyed to the Group member at the time of section and no longer than two years. Group members need not be members of the CEJAC. The Chair of the Group shall be a member of the CEJAC.
- 2) Each Group member shall be selected on the basis of his or her expertise in the relevant subject matter and in a manner that provides for fair and balanced representation. Proxies will be allowed to participate in the Group activities and allowed to vote in Group matters.

Section 3: Termination of Membership

- a. The Secretary of Cal/EPA will consider the removal of any Advisory Committee member who misses two consecutive meetings of the Committee.
- b. An CEJAC member who changes his or her organizational or professional affiliation must notify the Secretary of Cal/EPA immediately and may be subject to removal in order to maintain balance among sectors of membership.
- c. The Secretary of Cal/EPA may remove any member of the CEJAC, Subcommittee Member, or any member of a group formed by the CEJAC.
- d. Any member of the CEJAC may resign from the Committee at anytime by notifying the Secretary of Cal/EPA.

V. COMMITTEE ORGANIZATION

Section 1: Officers

a. Committee Co-Chairs

The Committee shall make recommendations to the Secretary of Cal/EPA for the appointment of Committee Co-Chairs.

The Committee Co-Chairs shall serve a two-year term of office, and may be reappointed to additional terms by the Secretary of Cal/EPA, in consultation with the Committee. One Co-Chair shall be a representative of a community organization or an environmental organization. Upon the expiration of the term of the Committee Co-Chairs, in consultation with the

Committee, may be reappointed to an additional one- year term. The Committee Co-Chairs must be Committee members.

b. Subcommittee and Group Chairs

The Committee shall select Subcommittee and Group chairs, in consultation with the DSO.

The Subcommittee and Group Chairs shall serve a period deemed appropriate by the Committee, in consultation with the DSO and no longer than two years. Upon the expiration of the term of the Subcommittee and Group Chairs, the Committee may reappoint him or her to an additional one-year term, as necessary, in consultation with the DSO.

Subcommittee Chairs must be Committee members. A member of the Committee may only chair one Subcommittee or Group at any one time.

c. Designated State Officers

The Secretary of Cal/EPA or his/her designee shall be the Designated State Officer (DSO) for the CEJAC, Subcommittees, Working Groups, and Focus groups.

d. Subcommittee and Group Structure

Subcommittee and Group formation and structure will be left to the discretion of the Committee, in consultation with the Interagency Working Group on Environmental Justice and the Secretary of Cal/EPA.

Section 2: Protocol Group

- a. There shall be a Protocol Group of the Committee consisting of the Co-Chairs of the Committee as well as the Chairs of each Subcommittee.
- b. The Committee Co-Chairs, in consultation with the Protocol Group and the DSO, shall be responsible for overall planning for the Committee and for coordinating activity with the Subcommittees. Overall planning for the Committee refers only to logistical execution of activities authorized by the Committee.
- c. Minutes of the Protocol Group meetings shall be sent to the Committee at least 15 days prior to the next meeting.
- d. No official CEJAC actions will be undertaken by the Protocol Group.

VI. MEETINGS

Section 1: Compliance with Public Resources Code Section 71113

The CEJAC, its Subcommittees, and other groups formed by the CEJAC will operate in accordance with all requirements of Public Resources Code Section 71113. Such requirements include, but are not limited to, holding public meetings to receive and respond to public comments regarding recommendations required pursuant to this section, prior to the finalization of the recommendations. The California Environmental Protection Agency shall provide public notice of the availability of a draft agenda, and draft reports and information at least one month prior to the public meetings.

In addition, the DSO, or proxy for the DSO, shall be present at all CEJAC meetings. Open meetings of the CEJAC shall include reasonable opportunity for public comment in order to encourage full and meaningful public participation in its meetings and its decision-making processes.

Section 2: Meeting Scheduling

- a. The Committee shall meet in plenary session at least twice annually.
- b. The Committee shall not meet except with the consent of the DSO.
- c. The Protocol Group shall meet as needed. These meetings shall be held at the request of the Committee, the Committee Co-Chairs or the DSO.
- d. Subcommittees or other groups formed by the Committee under CEJAC auspices shall meet as needed at the call of the Committee, the Co-Chairs, the Subcommittee Chairs, or the Designated State Officer. Meetings of Subcommittees or other such groups may occur by teleconference or other means, as appropriate.

Section 3: Quorum and Voting

- a. The presence of at least fifty-one percent of Committee members attending a Committee meeting shall constitute a quorum for transaction of business and no vote shall be taken without a quorum present.
- b. A vote shall carry by a majority of the Committee members present in a quorum. Members must be present to vote or send an approved proxy.
- c. Quorum and voting rules apply to Subcommittees and other such groups.

VII. REPORTS AND RECOMMENDATIONS

Section 1: Committee Reports and Recommendations

- a. A report and/or recommendation shall be accepted for formal review and action by the Committee if it was approved by a majority vote of a Subcommittee or group formed by the Committee under the CEJAC.

- b. A report and/or recommendation from a committee member shall be accepted for formal review and action by the Committee.
- c. Each report or recommendation shall be distributed to all Committee members for review and shall include a review period of a minimum 30 calendar days.
- d. Committee action on a proposed recommendation and/or report shall be completed within a maximum of 60 calendar days from the date of the proposed report and/or recommendation was sent to the full Committee for review. If action involves voting, voting may take place by voice vote, by mail, FAX, written proxy, or in writing. Committee members shall be notified of the results. This provision may be waived by the Committee in circumstances where the Agency needs an immediate response based on planning or budget cycles, Legislative deadlines, Executive Order requirements, or other exceptional circumstances.
- e. The Committee Co-Chairs shall transmit all reports and/or recommendations approved by the Committee directly to the Secretary of Cal/EPA. Any minority view of Committee or Subcommittee members shall be transmitted in writing, when they exist, with any report or recommendation.
- f. Minutes of a Committee meeting should be made available at least 15 days prior to the next meeting.

Section 2: Subcommittee Reports and Recommendations

- a. A Subcommittee may bring a proposed report and/or recommendation forward to the Committee for review and action at any time.
- b. A majority vote of the attending members of a Subcommittee shall be sufficient for forwarding a report and/or recommendation to the Committee for review and action. Voting may take place in a Subcommittee meeting by voice or by mail, FAX, written proxy, or in writing. If a vote is taken at a meeting, a quorum must be present. A majority of the members must vote for a recommendation to forward a report and/or a recommendation to the Committee. Meetings of Subcommittees may occur by teleconference or other means, as appropriate.
- c. Any minority view of Subcommittee members shall be transmitted in writing, when they exist, with any report or recommendation.
- d. Minutes of a Subcommittee meeting should be made available at least 15 days prior to the next meeting.

Section 3: Group Reports and Recommendations

- a. A Group may bring a proposed report and/or recommendation forward to a Subcommittee for review and action at any time.
- b. A majority vote of the attending Group members of a Subcommittee shall be sufficient for forwarding a report and/or recommendation to the subcommittee for

review and action. Voting may take place in a Group meeting by voice or by mail, FAX, written proxy, or in writing. If a vote is taken at a meeting, a quorum must be present. A majority of the members must vote for a recommendation to forward a report and/or recommendation to the subcommittee. Meetings of a Group may occur by teleconference or other means, as appropriate.

- c. Groups may issue their own draft reports, including draft recommendations, if approved by a majority of the Group's members as described in Section 2(b) above. These reports shall be considered draft Group reports and/or recommendations by Cal/EPA until they have undergone complete Committee and Subcommittee review. Draft Group reports and/or recommendations must be submitted through a subcommittee.
- d. Minutes of a Group meeting should be made available at least 15 days prior to the next meeting.

Section 4: Committee Information Reports

- a. All materials prepared by CEJAC, its Subcommittees, and other groups formed by the Committee under the CEJAC auspices will be available to the public.
- b. All reports will include the following statement: "This report and/or recommendations was written as a part of the activities of the California Environmental Protection Agency Advisory Committee on Environmental Justice (CEJAC), a public advisory committee providing information, advice, and recommendations to the Secretary of Cal/EPA, the Interagency Working Group on Environmental Justice, and other officials of Cal/EPA. The Committee is structured to provide balanced, expert assessment on matters related to the Environmental Justice program. This report and/or recommendations have not been reviewed for approval by Cal/EPA and, hence, the contents of this report and recommendations do not necessarily represent the views and policies of Cal/EPA, nor of any branch of state government, nor does mention of trade names or commercial products constitute a recommendation for use."

VIII. AMENDMENTS OF BYLAWS

At any regular meeting, the Bylaws of the Committee may be added to, amended, or repealed in whole or in part by vote of a majority of the entire membership of the Committee. The vote may be taken by mail, FAX, and other methods of communication, provided that notice of intention to do so shall have been given to each member at least 30 days preceding the vote.